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NOTIFICATION

(LAW DEPARTMENT).

No LAW 241 LCR 62 dated Bangalore, 28th December 1962

Ordered that the accompanying Notification No. S.O 3425, dated the 12th November 1962, of the Ministry of Commerce and Industry, issuing the Woollen Textiles (Production and Distribution Control) Order, 1962, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (ii), dated the 13th November 1962, be republished in the *Mysore Gazette*, for general information

By Order and in the name of the Governor of Mysore,

S SRIPADARAJ,
Under Secy. to Govt., L.D

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GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY

ORDER

New Delhi, the 12th November 1962.

S O. 3425.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely —

1. Short title and commencement.—(1) This Order may be called the Woollen Textiles (Production and Distribution Control) Order, 1962.

(2) It shall come into force at once

2. Definitions.—In this Order, unless the context otherwise requires—

(a) 'dealer' means a person carrying on the business of selling wool tops, woollen yarn or woollen

cloth, or any two or all of these articles, whether wholesale or retail and whether or not in conjunction with any other business ,

(b) 'manufacturer' means a manufacturer of wool tops, woollen yarn or woollen cloth or any two or all of these articles and includes a manufacturer of any fabric or article made of woollen yarn or woollen cloth and a processor of wool tops, woollen yarn or woollen cloth,

(c) 'processor' means a person engaged exclusively in any process ancillary to the production of wool tops, woollen yarn or woollen cloth such as dyeing, bleaching and finishing and the expression " process " and its grammatical variants shall be construed accordingly,

(d) 'Textile Commissioner' means the Textile Commissioner appointed by the Central Government and includes an Additional or a Joint or a Deputy Textile Commissioner, the Industrial Adviser (Textile Production), the Controller of Woollen Textiles appointed by the Central Government, and any other officer whom the Central Government, or the Textile Commissioner, with the previous sanction of the Central Government, may authorise to exercise any or all of the powers of the Textile commissioner under this Order,

(e) 'woollen cloth' means any fabric made wholly from wool or partly from wool and partly from any other material such material being less than 40 per cent by weight, and includes any article made from such fabric and any hosiery or hosiery knitted fabric ,

(f) 'woollen yarn' means yarn manufactured either wholly from wool or partly from wool and partly from any other material and includes worsted and shoddy yarn ,

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(g) 'wool top' means combed woollen sliver used for spinning woollen worsted yarn.

3. Control on Production.—(1) No person shall, except under and in accordance with the terms and conditions of a permit in writing granted by the Textile Commissioner, acquire or instal any spindle worked by power and use it for the purpose of manufacturing woollen yarn.

(2) The Textile Commissioner may, where he is satisfied that such action is necessary in order to coordinate production of wool tops, woollen yarn or woollen cloth with the needs of the general public, by order, require the manufacturers or processors of wool tops, woollen yarn or woollen cloth or any class of them to produce or process such varieties of wool tops, woollen yarn or woollen cloth for such periods and in such quantities or proportion as may be specified in the Order:

Provided that, in making an order under this sub-clause the Textile Commissioner shall have regard to the capacity of the manufacturer or processor to produce or process different varieties of wool tops, woollen yarn or woollen cloth.

(3) No manufacturer or processor to whom an order made under sub-clause (2) applies, shall produce or process wool tops, woollen yarn or woollen cloth in contravention of such order.

4 Fixation of prices.—(1) The Textile Commissioner may, by order, fix—

(a) the processing charges of any variety of woollen yarn, and

(b) the maximum prices, ex-factory, wholesale and retail, at which any variety of woollen yarn may be sold.

(2) For the purpose of facilitating the sale of woollen yarn at the prices fixed under sub clause (1), the Textile Commissioner may specify the manner of packing woollen yarn, the markings to be made by a manufacturer or dealer

on any class or specification of woollen yarn manufactured or sold by him and the time and manner of making such markings

(3) No processor of any variety of woollen yarn shall charge an amount in excess of the charges fixed under sub-clause (1) for processing such yarn.

(4) No manufacturer of or dealer in woollen yarn shall sell or offer for sale woollen yarn at a price in excess of the price fixed under sub-clause (1) or packed or marked in a manner different from that specified under sub-clause (2).

5. Cash memorandum to be given for processing or sales.- The Textile Commissioner may, by notification in the Official Gazette, require the processors or manufacturers of and dealers in woollen yarn to give a cash memorandum in respect of every processing or sale, as the case may be, of woollen yarn in such form as may be specified in the notification.

6. Power to require processing, sale, etc — (1) The Textile Commissioner may, with a view to secure proper manufacture or distribution of woollen yarn, issue directions to any processor or manufacturer of or dealer in woollen yarn—

(*a*) not to process any variety of woollen yarn except under and in accordance with a permit issued by him or by any other officer specified by him on this behalf,

(*b*) to process any variety of woollen yarn held by any person specified by the Textile Commissioner or by any other officer authorised by him in this behalf,

(*c*) not to sell any woollen yarn in his possession except under and in accordance with a permit issued by him or by any other officer specified by him in this behalf,

(*d*) to sell any stock of woollen yarn held by such manufacturer or dealer to any person specified by the Textile Commissioner or by any other officer authorised by him in this behalf.

(2) Every processor, manufacturer or dealer to whom any direction is issued under sub-clause (1) shall comply with such direction.

7. Refusal to process or sell.—(1) No processor of any variety of woollen yarn shall without sufficient cause refuse to process such woollen yarn

(2) No manufacturer of or dealer in woollen yarn shall, without sufficient cause, refuse to sell woollen yarn to any person.

Explanation —For the purposes of this clause—

(1) the possibility or expectation of obtaining a higher processing charge or a higher price at a later date shall not be deemed to be sufficient cause ,

(2) The expressions "processor", "manufacturer" and "dealer" shall include any person employed by or acting on behalf of such processor, manufacturer or dealer.

8. Accounts and returns —Every processor or manufacturer of and every dealer in woollen yarn shall keep such books, accounts and records relating to the business carried on by him and shall furnish such return or information and at such intervals as the Textile Commissioner may require.

9. Provisions to apply to wool tops and woollen cloth.— The provisions ofc lauses 4 to 8 shall apply inrelation to wool tops and woollen cloth and processors or manufacturers of and dealers in wooll tops and woollen cloth as they apply in relation to woollen yarn and processors or manufacturers of and dealers in woollen yarn

10. Power of Entry, Search, etc.—(1) The Textile Commissioner or any other officer authorised by him in this behalf may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with,—

(*a*) enter and search any premises in which any processor, manufacturer or dealer is carrying on

business and inspect any books or other documents in such premises ;

(*b*) seize any article therein in respect of which he has reason to believe that this order has been or is being contravened.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause

11. Repeal.— The Woollen Textiles (Production and Distribution Control) Order, 1960, is hereby repealed except as respects things done or omitted to be done before such repeal.

[No. 17(16)/Tex(D)/62-I.]

D. S JOSHI,

Special Secretary.